

**2SHB 1752** - H AMD

By Representative Hinkle

1           Strike everything after the enacting clause and insert the  
2 following:

3           "**Sec. 1.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended  
4 to read as follows:

5           The secretary of state as chief election officer shall make  
6 reasonable rules in accordance with chapter 34.05 RCW not  
7 inconsistent with the federal and state election laws to effectuate  
8 any provision of this title and to facilitate the execution of its  
9 provisions in an orderly, timely, and uniform manner relating to  
10 any federal, state, county, city, town, and district elections. To  
11 that end the secretary shall assist local election officers by  
12 devising uniform forms and procedures.

13           In addition to the rule-making authority granted otherwise by  
14 this section, the secretary of state shall make rules governing the  
15 following provisions:

16           (1) The maintenance of voter registration records;

17           (2) The preparation, maintenance, distribution, review, and  
18 filing of precinct maps;

19           (3) Standards for the design, layout, and production of  
20 ballots, including standards that require provisional ballots to be  
21 distinguishable from the other ballots and incapable of being  
22 tabulated by the poll-site ballot counting device or mixed in and  
23 counted with regular ballots at counting facilities;

24           (4) The examination and testing of voting systems for  
25 certification;

26           (5) The source and scope of independent evaluations of voting  
27 systems that may be relied upon in certifying voting systems for  
28 use in this state;

29           (6) Standards and procedures for the acceptance testing of  
30 voting systems by counties;

1 (7) Standards and procedures for testing the programming of  
2 vote tallying software for specific primaries and elections;

3 (8) Standards and procedures for the preparation and use of  
4 each type of certified voting system including procedures for the  
5 operation of counting centers where vote tallying systems are used;

6 (9) Standards and procedures to ensure the accurate tabulation  
7 and canvassing of ballots;

8 (10) Consistency among the counties of the state in the  
9 preparation of ballots, the operation of vote tallying systems, and  
10 the canvassing of primaries and elections;

11 (11) Procedures to ensure the secrecy of a voter's ballot when  
12 a small number of ballots are counted at the polls or at a counting  
13 center;

14 (12) The use of substitute devices or means of voting when a  
15 voting device at the polling place is found to be defective, the  
16 counting of votes cast on the defective device, the counting of  
17 votes cast on the substitute device, and the documentation that  
18 must be submitted to the county auditor regarding such  
19 circumstances;

20 (13) Procedures for the transportation of sealed containers of  
21 voted ballots or sealed voting devices;

22 (14) The acceptance and filing of documents via electronic  
23 facsimile;

24 (15) Voter registration applications and records;

25 (16) The use of voter registration information in the conduct  
26 of elections;

27 (17) The coordination, delivery, and processing of voter  
28 registration records accepted by driver licensing agents or the  
29 department of licensing;

30 (18) The coordination, delivery, and processing of voter  
31 registration records accepted by agencies designated by the  
32 governor to provide voter registration services;

33 (19) Procedures to receive and distribute voter registration  
34 applications by mail;

35 (20) Procedures for a voter to change his or her voter  
36 registration address within a county by telephone;

37 (21) Procedures for a voter to change the name under which he  
38 or she is registered to vote;

1 (22) Procedures for canceling dual voter registration records  
2 and for maintaining records of persons whose voter registrations  
3 have been canceled;

4 (23) Procedures for the electronic transfer of voter  
5 registration records between county auditors and the office of the  
6 secretary of state;

7 (24) Procedures and forms for declarations of candidacy;

8 (25) Procedures and requirements for the acceptance and filing  
9 of declarations of candidacy by electronic means;

10 (26) Procedures for the circumstance in which two or more  
11 candidates have a name similar in sound or spelling so as to cause  
12 confusion for the voter;

13 (27) Filing for office;

14 (28) The order of positions and offices on a ballot;

15 (29) Sample ballots;

16 (30) Independent evaluations of voting systems;

17 (31) The testing, approval, and certification of voting  
18 systems;

19 (32) The testing of vote tallying software programming;

20 (33) Standards and procedures to prevent fraud and to  
21 facilitate the accurate processing and canvassing of absentee  
22 ballots and mail ballots;

23 (34) Standards and procedures to guarantee the secrecy of  
24 absentee ballots and mail ballots;

25 (35) Uniformity among the counties of the state in the conduct  
26 of absentee voting and mail ballot elections;

27 (36) Standards and procedures to accommodate out-of-state  
28 voters, overseas voters, and service voters;

29 (37) The tabulation of paper ballots before the close of the  
30 polls;

31 (38) The accessibility of polling places and registration  
32 facilities that are accessible to elderly and disabled persons;

33 (39) The aggregation of precinct results if reporting the  
34 results of a single precinct could jeopardize the secrecy of a  
35 person's ballot;

36 (40) Procedures for conducting a statutory recount;

37 (41) Procedures for filling vacancies in congressional offices  
38 if the general statutory time requirements for availability of

1 absentee ballots, certification, canvassing, and related procedures  
2 cannot be met;

3 (42) Procedures for the statistical sampling of signatures for  
4 purposes of verifying and canvassing signatures on initiative,  
5 referendum, and recall election petitions;

6 (43) Standards and deadlines for submitting material to the  
7 office of the secretary of state for the voters' pamphlet;

8 (44) Deadlines for the filing of ballot titles for referendum  
9 bills and constitutional amendments if none have been provided by  
10 the legislature;

11 (45) Procedures for the publication of a state voters'  
12 pamphlet;

13 (46) Procedures for conducting special elections regarding  
14 nuclear waste sites if the general statutory time requirements for  
15 availability of absentee ballots, certification, canvassing, and  
16 related procedures cannot be met;

17 (47) Procedures for conducting partisan primary elections;

18 (48) Standards and procedures for the proper conduct of voting  
19 during the early voting period to provide accessability for the  
20 blind or visually impaired;

21 (49) Standards for voting technology and systems used by the  
22 state or any political subdivision to be accessible for individuals  
23 with disabilities, including nonvisual accessibility for the blind  
24 and visually impaired, in a manner that provides the same  
25 opportunity for access and participation, including privacy and  
26 independence, as other voters;

27 (50) All data formats for transferring voter registration data  
28 on electronic or machine-readable media for the purpose of  
29 administering the statewide voter registration list required by the  
30 Help America Vote Act (P.L. 107-252);

31 (51) Defining the interaction of electronic voter registration  
32 election management systems employed by each county auditor to  
33 maintain a local copy of each county's portion of the official  
34 state list of registered voters;

35 (52) Provisions and procedures to implement the state-based  
36 administrative complaint procedure as required by the Help America  
37 Vote Act (P.L. 107-252); and

38 (53) Facilitating the payment of local government grants to  
39 local government election officers or vendors.

1           **Sec. 2.** RCW 29A.08.820 and 2003 c 111 s 254 are each amended  
2 to read as follows:

3           When the right of a person has been challenged under RCW  
4 29A.08.810 or 29A.08.830(2), the challenged person shall be  
5 permitted to vote a provisional ballot, which shall be placed in a  
6 sealed envelope separate from other voted ballots. In precincts  
7 where voting machines are used, any person whose right to vote is  
8 challenged under RCW 29A.08.810 or 29A.08.830(2) shall be furnished  
9 a provisional paper ballot, which shall be placed in a sealed  
10 envelope after being marked. Included with the ((challenged))  
11 provisional ballot shall be (1) an affidavit filed under RCW  
12 29A.08.830 challenging the person's right to vote or (2) an  
13 affidavit signed by the precinct election officer and any third  
14 party involved in the officer's challenge and stating the reasons  
15 the voter is being challenged. The sealed provisional ballots ((of  
16 challenged voters)) shall be transmitted at the close of the  
17 election to the canvassing board or other authority charged by law  
18 with canvassing the returns of the particular primary or election.  
19 The county auditor shall notify the challenger and the challenged  
20 voter, by certified mail, of the time and place at which the county  
21 canvassing board will meet to rule on ((challenged)) provisional  
22 ballots. If the challenge is made by a precinct election officer  
23 under RCW 29A.08.810, the officer must appear in person before the  
24 board unless he or she has received written authorization from the  
25 canvassing board to submit an affidavit supporting the challenge.  
26 If the challenging officer has based his or her challenge upon  
27 evidence provided by a third party, that third party must appear  
28 with the challenging officer before the canvassing board, unless he  
29 or she has received written authorization from the canvassing board  
30 to submit an affidavit supporting the challenge. If the challenge  
31 is filed under RCW 29A.08.830, the challenger must either appear in  
32 person before the board or submit an affidavit supporting the  
33 challenge. The challenging party must prove to the canvassing  
34 board by clear and convincing evidence that the challenged voter's  
35 registration is improper. If the challenging party fails to meet  
36 this burden, the ((challenged)) provisional ballot shall be  
37 accepted as valid and counted. The canvassing board shall give the  
38 challenged voter the opportunity to present testimony, either in  
39 person or by affidavit, and evidence to the canvassing board before

1 making their determination. All (~~challenged~~) provisional ballots  
2 must be determined no later than the time of canvassing for the  
3 particular primary or election. The decision of the canvassing  
4 board or other authority charged by law with canvassing the returns  
5 shall be final. Challenges of absentee ballots shall be determined  
6 according to RCW 29A.40.140.

7 NEW SECTION. Sec. 3. (1) Provisional or questionable ballots  
8 must not be tallied until the validity of the ballot or the voter  
9 has been confirmed and, if so, the ballots will be processed in  
10 similar manner to absentee ballots. A provisional ballot is issued  
11 to a person seeking to vote in a polling place under the following  
12 circumstances:

13 (a) The name of the voter does not appear in the poll book and:

14 (i) The voter's registration was canceled but the voter  
15 questions the validity of the cancellation;

16 (ii) The status of the voter's registration cannot be  
17 determined at that time; or

18 (iii) The voter is registered and assigned to another polling  
19 place or jurisdiction;

20 (b) The voter's name is in the poll book but there is an  
21 indication that the voter was issued an absentee ballot, and the  
22 voter wishes to vote at the polls; or

23 (c) Other circumstances as determined by the precinct election  
24 official.

25 (2) The precinct election official shall issue a provisional  
26 ballot outer envelope and a security envelope to the voter eligible  
27 for a provisional ballot. The voter shall vote the ballot in  
28 secrecy and, when done, place the ballot in the security envelope,  
29 then place the security envelope with the ballot in it in the  
30 provisional ballot outer envelope and return it to the precinct  
31 election official. The precinct election official shall ensure  
32 that the required information is completed on the outside of the  
33 outer envelope and have the voter sign it in the appropriate space,  
34 and place it in a secure container designated for provisional  
35 ballots only.

36 (3) When the provisional ballot, including provisional ballots  
37 from other counties or states, are received in the elections  
38 center, the circumstances surrounding the provisional ballot must

1 be investigated before certification of the primary or election.  
2 A provisional ballot cannot be tallied if the registered voter did  
3 not sign either the poll book or the provisional ballot envelope.

4 (4) When it is determined that the ballot is to be counted, the  
5 ballot must be processed in a manner similar to an absentee ballot  
6 except the provisional ballot outer envelopes must be retained  
7 separately from the absentee ballot return envelopes. The manual  
8 inspection of the ballots as required in WAC 434-261-070 or its  
9 successor must also be carried out.

10 NEW SECTION. **Sec. 4.** At a minimum, the following information  
11 will be required to be printed on the outer provisional ballot  
12 envelope:

13 (1) An oath for the voter to sign, as required by the Help  
14 America Vote Act, which must be included in substantially the  
15 following form:

16 "I declare that the facts on this voter registration form are  
17 true. I am a citizen of the United States, I am not presently  
18 denied my civil rights as a result of being convicted of a felony,  
19 I will have lived in Washington at this address for thirty days  
20 before the next election at which I vote, and I will be at least  
21 eighteen years old when I vote.";

22 (2) Name and signature of voter (must be the same as on the  
23 oath);

24 (3) Voter's registered address both present and former, if  
25 applicable;

26 (4) Voter's date of birth;

27 (5) Reason for the provisional ballot;

28 (6) Precinct and polling place at which voter has voted;

29 (7) Sufficient space to list disposition of the ballot after  
30 review by the county auditor.

31 No provisional ballot may be rejected for lack of the  
32 information described in this section as long as the voter provides  
33 a valid signature and sufficient information to determine  
34 eligibility.

35 NEW SECTION. **Sec. 5.** (1) Upon receipt of the provisional  
36 ballot, including provisional ballots from other counties or

1 states, the auditor must investigate the circumstances surrounding  
2 the provisional ballot before certification of the primary or  
3 election. A provisional ballot cannot be counted if the registered  
4 voter did not sign either the poll book or the provisional ballot  
5 envelope.

6 (a) If there is no record of the voter ever having been  
7 registered, the voter must be offered the opportunity to register  
8 and the provisional ballot for the current election will not be  
9 counted.

10 (b) If the voter was previously registered and later canceled  
11 and the auditor determines that the cancellation was in error, the  
12 voter's registration will be immediately restored and the  
13 provisional ballot counted.

14 (c) If the auditor determines that the cancellation was not in  
15 error, the voter must be given the opportunity to reregister at the  
16 voter's correct address, and the provisional ballot for the current  
17 election will not be counted.

18 (2) If the voter is a registered voter but has voted a ballot  
19 other than the one that the voter would have received at his or her  
20 designated polling place, the auditor must ensure that only those  
21 votes for the positions or measures for which the voter was  
22 eligible to vote are counted, which may require coordination with  
23 other county auditors.

24 (3) If the voter is a registered voter in another county or  
25 state, the auditor shall forward the ballot and a corresponding  
26 voter guide, or other means by which the ballot can be interpreted  
27 including rotation if applicable, within five business days after  
28 election day to the supervisor of elections for the county for  
29 which the voter is resident. If the provisional ballot envelope is  
30 not signed by the voter, a copy of the poll book page must be  
31 included. If the county is not known, it shall be forwarded to the  
32 secretary of state, or counterpart, for the state in which the  
33 voter is resident.

34 (4) If the auditor finds that an absentee voter who voted a  
35 provisional ballot at the polls has also voted an absentee ballot  
36 in that primary or election, the provisional ballot will not be  
37 counted.

38 (5) The auditor shall prepare a tally displaying the number of  
39 provisional ballots received, the number found valid and counted,

1 the number rejected and not counted, and the reason for not  
2 counting the ballots, as part of the canvassing process and  
3 presented to the canvassing board before the certification of the  
4 primary or election.

5 NEW SECTION. **Sec. 6.** When the disposition of the provisional  
6 ballot determines that the provisional ballot is to be counted, the  
7 provisional ballot shall be processed in a manner similar to an  
8 absentee ballot as provided in chapters 29A.40 and 29A.60 RCW  
9 except the outer provisional ballot envelopes must be retained  
10 separately from the absentee ballot return envelopes. The manual  
11 inspection of the ballots as required in WAC 434-261-070 or its  
12 successor must also be carried out.

13 NEW SECTION. **Sec. 7.** The secretary of state shall establish  
14 a free access system (such as a toll-free telephone number or an  
15 Internet web site) that any individual who casts a provisional  
16 ballot may access to discover whether the vote of that individual  
17 was counted, and, if the vote was not counted, the reason why the  
18 vote was not counted. The secretary of state shall establish and  
19 maintain reasonable procedures necessary to protect the security,  
20 confidentiality, and integrity of personal information collected,  
21 stored, or otherwise used by the free access system established  
22 under this section. Access to information about an individual  
23 provisional ballot must be restricted to the individual who cast  
24 the ballot.

25 **Sec. 8.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended  
26 to read as follows:

27 No voting device shall be approved by the secretary of state  
28 unless it:

- 29 (1) Secures to the voter secrecy in the act of voting;  
30 (2) Permits the voter to vote for any person for any office and  
31 upon any measure that he or she has the right to vote for;  
32 (3) Permits the voter to vote for all the candidates of one  
33 party or in part for the candidates of one or more other parties;  
34 (4) Correctly registers all votes cast for any and all persons  
35 and for or against any and all measures;

1 (5) Provides that a vote for more than one candidate cannot be  
2 cast by one single operation of the voting device or vote tally  
3 system except when voting for president and vice president of the  
4 United States; ~~((and))~~

5 (6) Except for functions or capabilities unique to this state,  
6 has been tested, certified, and used in at least one other state or  
7 election jurisdiction; and

8 (7) Beginning on January 1, 2006, in the case of a poll-site  
9 based electronic voting system, produces a machine-countable paper  
10 record for each vote that may be reviewed and accepted or rejected  
11 by the voter before finalizing his or her vote, as a part of the  
12 voting process. Rejected records must either be destroyed or  
13 marked in order to clearly identify the record as rejected.

14 **Sec. 9.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended  
15 to read as follows:

16 (1) As provided in this section, county auditors shall provide  
17 special ~~((absentee))~~ provisional ballots to be used for state  
18 primary or state general elections. An auditor shall provide a  
19 special ~~((absentee))~~ provisional ballot only to a registered voter  
20 who completes an application stating that she or he will be unable  
21 to vote and return ~~((a regular))~~ an absentee ballot by normal mail  
22 delivery within the period provided for ~~((regular))~~ absentee  
23 ballots.

24 The application for a special ~~((absentee))~~ provisional ballot  
25 may not be filed earlier than ninety days before the applicable  
26 state primary or general election. The special ~~((absentee))~~  
27 provisional ballot will list the offices and measures, if known,  
28 scheduled to appear on the state primary or general election  
29 ballot. The voter may use the special ~~((absentee))~~ provisional  
30 ballot to write in the name of any eligible candidate for each  
31 office and vote on any measure.

32 (2) With any special ~~((absentee))~~ provisional ballot issued  
33 under this section, the county auditor shall include a listing of  
34 any candidates who have filed before the time of the application  
35 for offices that will appear on the ballot at that primary or  
36 election and a list of any issues that have been referred to the  
37 ballot before the time of the application.

1 (3) Write-in votes on special ((absentee)) provisional ballots  
2 must be counted in the same manner provided by law for the counting  
3 of other write-in votes. The county auditor shall process and  
4 canvass the special ((absentee)) provisional ballots provided under  
5 this section in the same manner as ((other)) absentee ballots under  
6 ((this)) chapters 29A.40 and ((chapter)) 29A.60 RCW.

7 (4) A voter who requests a special ((absentee)) provisional  
8 ballot under this section may also request an absentee ballot under  
9 RCW 29A.40.020(4). If the ((regular)) absentee ballot is properly  
10 voted and returned, the special ((absentee)) provisional ballot is  
11 void, and the county auditor shall reject it in whole when special  
12 ((absentee)) provisional ballots are canvassed.

13 NEW SECTION. Sec. 10. In addition to the material required by  
14 RCW 29A.40.091, each county auditor shall include with any special  
15 provisional ballot mailed the following information:

16 (1) Instructions for voting the ballot;

17 (2) Instructions for correcting a spoiled ballot;

18 (3) The fact that political party designation should be  
19 included with all write-ins for partisan office;

20 (4) A listing of all offices and measures that will appear upon  
21 the ballot, together with a listing of all persons who have filed  
22 for office or who have indicated their intention to file for  
23 office;

24 (5) A copy of any applicable voters' guide available at that  
25 time;

26 (6) The fact that the voter may vote for as many or as few  
27 offices or measures as he or she desires;

28 (7) The fact that the voter is entitled to request, and  
29 subsequently vote a regular absentee ballot, and that if the  
30 regular absentee is received during the time period provided by law  
31 for the canvassing of absentee ballots it will be tabulated and the  
32 special provisional ballot will be voided.

33 NEW SECTION. Sec. 11. No special provisional ballot may be  
34 provided earlier than ninety days before a primary or election. An  
35 application received by a county auditor more than ninety days  
36 before a primary or general election may be either returned to the  
37 applicant with the explanation that the request is premature or may

1 be held by the auditor until the appropriate time and then  
2 processed.

3 **Sec. 12.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended  
4 to read as follows:

5 (1) Except as otherwise provided by law, a registered voter or  
6 out-of-state voter, overseas voter, or service voter desiring to  
7 cast an absentee ballot at a single election or primary must  
8 request the absentee ballot from his or her county auditor no  
9 earlier than ninety days nor later than the day before the election  
10 or primary at which the person seeks to vote. Except as otherwise  
11 provided by law, the request may be made orally in person, by  
12 telephone, electronically, or in writing. An application or  
13 request for an absentee ballot made under the authority of a  
14 federal statute or regulation will be considered and given the same  
15 effect as a request for an absentee ballot under this chapter.

16 (2) A voter requesting an absentee ballot for a primary may  
17 also request an absentee ballot for the following general election.  
18 A request by an out-of-state voter, overseas voter, or service  
19 voter for an absentee ballot for a primary election will be  
20 considered as a request for an absentee ballot for the following  
21 general election.

22 (3) In requesting an absentee ballot, the voter shall state the  
23 address to which the absentee ballot should be sent. A request for  
24 an absentee ballot from an out-of-state voter, overseas voter, or  
25 service voter must include the address of the last residence in the  
26 state of Washington (~~(and either a written application or the oath~~  
27 ~~on the return envelope must include a declaration of the other~~  
28 ~~qualifications of the applicant as an elector of this state)). A~~  
29 request for an absentee ballot from any other voter must state the  
30 address at which that voter is currently registered to vote in the  
31 state of Washington or the county auditor shall verify that  
32 information from the voter registration records of the county.

33 (4) A request for an absentee ballot from a registered voter  
34 who is within this state must be made directly to the auditor of  
35 the county in which the voter is registered. An absentee ballot  
36 request from a registered voter who is temporarily outside this  
37 state or from an out-of-state voter, overseas voter, or service  
38 voter may be made either to the appropriate county auditor or to

1 the secretary of state, who shall promptly forward the request to  
2 the appropriate county auditor.

3 (5) No person, organization, or association may distribute  
4 absentee ballot applications within this state that contain a  
5 return address other than that of the appropriate county auditor.

6 **Sec. 13.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended  
7 to read as follows:

8 The county auditor shall send each absentee voter a ballot, a  
9 security envelope in which to seal the ballot after voting, a  
10 larger envelope in which to return the security envelope, and  
11 instructions on how to mark the ballot and how to return it to the  
12 county auditor. The instructions that accompany an absentee ballot  
13 for a partisan primary must include instructions for voting the  
14 applicable ballot style, as provided in chapter 29A.36 RCW. The  
15 larger return envelope must contain a declaration by the absentee  
16 voter reciting his or her qualifications and stating that he or she  
17 has not voted in any other jurisdiction at this election, together  
18 with a summary of the penalties for any violation of any of the  
19 provisions of this chapter. The return envelope must provide space  
20 for the voter to indicate the date on which the ballot was voted  
21 and for the voter to sign the oath. A summary of the applicable  
22 penalty provisions of this chapter must be printed on the return  
23 envelope immediately adjacent to the space for the voter's  
24 signature. The signature of the voter on the return envelope must  
25 affirm and attest to the statements regarding the qualifications of  
26 that voter and to the validity of the ballot. ~~((For out-of-state  
27 voters, overseas voters, and service voters, the signed declaration  
28 on the return envelope constitutes the equivalent of a voter  
29 registration for the election or primary for which the ballot has  
30 been issued.))~~ The voter must be instructed to ~~((either))~~ return  
31 the ballot to the county auditor by whom it was issued ~~((or attach  
32 sufficient first class postage, if applicable, and mail the ballot  
33 to the appropriate county auditor no later than))~~ by 8:00 p.m. on  
34 the day of the election or primary for which the ballot was issued.  
35 Military ballots must have been signed by 8:00 p.m. on the day of  
36 the election or primary for which the ballot was issued and  
37 received by the appropriate county auditor by 5:00 p.m. on the day  
38 of the final county certification of the election or primary.

1 If the county auditor chooses to forward absentee ballots, he  
2 or she must include with the ballot a clear explanation of the  
3 qualifications necessary to vote in that election and must also  
4 advise a voter with questions about his or her eligibility to  
5 contact the county auditor. This explanation may be provided on  
6 the ballot envelope, on an enclosed insert, or printed directly on  
7 the ballot itself. If the information is not included, the  
8 envelope must clearly indicate that the ballot is not to be  
9 forwarded and that return postage is guaranteed.

10 **Sec. 14.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended  
11 to read as follows:

12 (1) The opening and subsequent processing of return envelopes  
13 for any primary or election may begin (~~(on or after the tenth day~~  
14 ~~before the primary or election)) upon receipt. The tabulation of  
15 absentee ballots must not commence until after 8:00 p.m. on the day  
16 of the primary or election.~~

17 (2) After opening the return envelopes, the county canvassing  
18 board shall place all of the ballots in secure storage until after  
19 8:00 p.m. of the day of the primary or election. Absentee ballots  
20 that are to be tabulated on an electronic vote tallying system may  
21 be taken from the inner envelopes and all the normal procedural  
22 steps may be performed to prepare these ballots for tabulation.

23 (3) Before opening a returned absentee ballot, the canvassing  
24 board, or its designated representatives, shall examine the  
25 postmark, statement, and signature on the return envelope that  
26 contains the security envelope and absentee ballot. They shall  
27 verify that the voter's signature on the return envelope is the  
28 same as the signature of that voter in the registration files of  
29 the county. For registered voters casting absentee ballots, the  
30 date on the return envelope to which the voter has attested  
31 determines the validity, as to the time of voting for that absentee  
32 ballot if the postmark is missing or is illegible. For out-of-  
33 state voters, overseas voters, and service voters, the date on the  
34 return envelope to which the voter has attested determines the  
35 validity as to the time of voting for that absentee ballot. (~~For~~  
36 ~~any absentee ballot, a variation between the signature of the voter~~  
37 ~~on the return envelope and the signature of that voter in the~~

1 registration files due to the substitution of initials or the use  
2 of common nicknames is permitted so long as the surname and  
3 handwriting are clearly the same.))

4 **Sec. 15.** RCW 29A.40.140 and 2003 c 111 s 1014 are each amended  
5 to read as follows:

6 The qualifications of any absentee voter may be challenged at  
7 the time the signature on the return envelope is verified and the  
8 ballot is processed by the canvassing board. The board has the  
9 authority to determine the legality of any absentee ballot  
10 challenged under this section. Challenged ballots must be handled  
11 in accordance with (~~chapter 29A.08 RCW~~) sections 3-7, 9 and 10 of  
12 this act).

13 **Sec. 16.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended  
14 to read as follows:

15 (1) A voter desiring to vote shall give his or her name and  
16 photo identification to the precinct election officer who has the  
17 precinct list of registered voters. This officer shall announce  
18 the name to the precinct election officer who has the copy of the  
19 inspector's poll book for that precinct. The election officers  
20 together shall compare the photograph on the identification with  
21 the appearance of the voter before them and compare the signature  
22 on the identification with the signature the voter has written in  
23 the poll book. If they agree that there are obvious discrepancies  
24 between the photograph on the identification and the appearance of  
25 the voter before them or between the signature on the  
26 identification and the signature the voter has written in the poll  
27 book, they shall treat the ballot as a provisional ballot, note the  
28 discrepancies in a written record, and transmit this record to the  
29 county auditor along with the voted ballot.

30 (2) The only acceptable forms of identification are either a  
31 Washington state driver's license or identicard or a United States  
32 passport. The identification must contain a photograph of the  
33 voter and the voter's signature.

34 (3) If the right of this voter to participate in the primary or  
35 election is not challenged, the voter must be issued a ballot or  
36 permitted to enter a voting booth or to operate a voting device.  
37 For a partisan primary in a jurisdiction using the physically

1 separate ballot format, the voter must be issued a nonpartisan  
2 ballot and each party ballot. The number of the ballot or the  
3 voter must be recorded by the precinct election officers. If the  
4 right of the voter to participate is challenged, RCW 29A.08.810 and  
5 29A.08.820 apply to that voter.

6 **Sec. 17.** RCW 29A.44.330 and 2003 c 111 s 1131 are each amended  
7 to read as follows:

8 The programmed memory pack for each poll-site ballot counting  
9 device must be sealed into the device during final preparation and  
10 logic and accuracy testing. Except in the case of a device  
11 breakdown, the memory pack must remain sealed in the device until  
12 after the polls have closed and all reports and telephonic or  
13 electronic transfer of results are completed. After all reporting  
14 is complete the precinct election officers responsible for  
15 transferring the sealed voted ballots under RCW 29A.60.110 shall  
16 ensure that the memory pack is returned to the elections  
17 department. If the entire poll-site ballot counting device is  
18 returned, the memory pack must remain sealed in the device. If the  
19 poll-site ballot counting device is to remain at the polling place,  
20 the precinct election officer shall break the seal on the device  
21 and remove the memory pack and seal and return it along with the  
22 irregularly voted ballots and ((~~special~~)) provisional ballots to  
23 the elections department on election day.

24 **Sec. 18.** RCW 29A.44.340 and 2003 c 111 s 1132 are each amended  
25 to read as follows:

26 Each poll-site ballot counting device must be programmed to  
27 return all blank ballots and overvoted ballots to the voter for  
28 private reexamination. The election officer shall take whatever  
29 steps are necessary to ensure that the secrecy of the ballot is  
30 maintained. The precinct election officer shall provide  
31 information and instruction on how to properly mark the ballot.  
32 The voter may remark the original ballot, may request a new ballot  
33 under RCW 29A.44.040, or may choose to complete a ((~~special~~))  
34 provisional ballot envelope and return the ballot as a ((~~special~~))  
35 provisional ballot.

1           NEW SECTION.   **Sec. 19.**   A new section is added to chapter  
2 29A.60 RCW to read as follows:

3           A voter's signature on an absentee or provisional ballot is  
4 considered a match if at least three of the following criteria are  
5 met:

- 6           (1) The capital letters match;
- 7           (2) Letters tail off alike;
- 8           (3) Letter spacing is the same;
- 9           (4) The space between the signature and the line is the same;
- 10          (5) The beginning and ending of the signature and the slant are  
11 consistent;
- 12          (6) Unique letters in the signature match;
- 13          (7) The overall appearances match.

14          In determining whether a signature on an absentee or  
15 provisional ballot matches the signature on the registration file,  
16 the age of the voter and the date of the signature on the  
17 registration file may also be considered.

18          NEW SECTION.   **Sec. 20.**   A new section is added to chapter  
19 29A.60 RCW to read as follows:

20          (1) If the voter neglects to sign the outside envelope of an  
21 absentee or provisional ballot, the auditor shall notify the voter  
22 by telephone and advise the voter of the correct procedures for  
23 completing the unsigned affidavit. If the auditor is not able to  
24 provide the information personally to the voter by telephone, then  
25 the voter must be contacted by first class mail and advised of the  
26 correct procedures for completing the unsigned affidavit. Leaving  
27 a voice mail message for the voter is not to be considered as  
28 personally contacting the voter. In order for the ballot to be  
29 counted, the voter must either:

30           (a) Appear in person and sign the envelope no later than the  
31 day before the certification of the primary or election; or

32           (b) Sign a copy of the envelope provided by the auditor, and  
33 return it to the auditor no later than the day before the  
34 certification of the primary or election.

35          (2)(a) If the handwriting of the signature on an absentee or  
36 provisional ballot envelope is not the same as the handwriting of  
37 the signature on the registration file, the auditor shall notify  
38 the voter, either by telephone or by first class mail, and advise

1 the voter of the correct procedures for updating his or her  
2 signature on the voter registration file. In order for the ballot  
3 to be counted, the voter must either:

4 (i) Appear in person and sign a new registration form no later  
5 than the day before the certification of the primary or election;  
6 or

7 (ii) Sign a new registration form provided by the auditor, and  
8 return it to the auditor no later than the day before the  
9 certification of the primary or election.

10 (b) If the signature on an absentee or provisional ballot  
11 envelope is not the same as the signature on the registration file  
12 because the name is different, the ballot may be counted as long as  
13 the handwriting is clearly the same. The auditor shall send the  
14 voter a change-of-name form under RCW 29A.08.440 and direct the  
15 voter to complete the form.

16 (c) If the signature on an absentee or provisional ballot  
17 envelope is not the same as the signature on the registration file  
18 because the voter used initials or a common nickname, the ballot  
19 may be counted as long as the surname and handwriting are clearly  
20 the same.

21 (3) A voter may not cure a missing or mismatched signature for  
22 purposes of counting the ballot in a recount.

23 (4) A record must be kept of the date on which the voter was  
24 contacted or the notice was mailed, as well as the date on which  
25 the voter signed the envelope, a copy of the envelope, a new  
26 registration form, or a change-of-name form. The records are  
27 public records under chapter 42.17 RCW once the election is  
28 certified by the county canvassing board under RCW 29A.60.190.  
29 That record is a public record under chapter 42.17 RCW and may be  
30 disclosed to interested parties on written request.

31 **Sec. 21.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended  
32 to read as follows:

33 (1) For any office at any election or primary, any voter may  
34 write in on the ballot the name of any person for an office who has  
35 filed as a write-in candidate for the office in the manner provided  
36 by RCW 29A.24.311 and such vote shall be counted the same as if the  
37 name had been printed on the ballot and marked by the voter. (~~For~~  
38 ~~a partisan primary in a jurisdiction using the physically separate~~

1 ~~ballot format, a voter may write in on a party ballot only the~~  
2 ~~names of write-in candidates who affiliate with that major~~  
3 ~~political party.))~~ No write-in vote made for any person who has  
4 not filed a declaration of candidacy pursuant to RCW 29A.24.311 is  
5 valid if that person filed for the same office, either as a regular  
6 candidate or a write-in candidate, at the preceding primary. Any  
7 abbreviation used to designate office(~~(,)~~) or position(~~(, or~~  
8 ~~political party shall))~~ will be accepted if the canvassing board  
9 can determine, to ~~((their))~~ its satisfaction, the voter's intent.

10 (2) The number of write-in votes cast for each office must be  
11 recorded and reported with the canvass for the election.

12 (3) A write-in vote for an individual candidate for an office  
13 whose name appears on the ballot for that same office is a valid  
14 vote for that candidate as long as the candidate's name is clearly  
15 discernible, even if other requirements of RCW 29A.24.311 are not  
16 satisfied and even if the voter also marked a vote for that  
17 candidate such as to register an overvote. These votes need not be  
18 tabulated unless (a) the difference between the number of votes  
19 cast for the candidate apparently qualified to appear on the  
20 general election ballot or elected and the candidate receiving the  
21 next highest number of votes is less than the sum of the total  
22 number of write-in votes cast for the office plus the overvotes and  
23 undervotes recorded by the vote tabulating system; or (b) a manual  
24 recount is conducted for that office;

25 (4) Write-in votes cast for an individual candidate for an  
26 office whose name does not appear on the ballot need not be tallied  
27 ((if)) unless the total number of write-in votes and undervotes  
28 recorded by the vote tabulation system for the office is ((not))  
29 greater than the number of votes cast for the candidate apparently  
30 ((nominated)) qualified to appear on the general election ballot or  
31 elected((, and the write-in votes could not have altered the  
32 outcome of the primary or election. In the case of write-in votes  
33 for statewide office or for any office whose jurisdiction  
34 encompasses more than one county, write-in votes for an individual  
35 candidate must be tallied whenever the county auditor is notified  
36 by either the office of the secretary of state or another auditor  
37 in a multicounty jurisdiction that it appears that the write-in  
38 votes could alter the outcome of the primary or election)).

1           ~~((4))~~ (5) In the case of write-in votes for statewide  
2 office(s) or any office whose jurisdiction(s that)) encompasses  
3 more than one county, ((if the total number of write-in votes and  
4 under votes recorded by the vote tabulation system for an office  
5 within a county is greater than the number of votes cast for a  
6 candidate apparently nominated or elected in a primary or election,  
7 the auditor shall tally all write-in votes for individual  
8 candidates for that office and notify the office of the secretary  
9 of state and the auditors of the other counties within the  
10 jurisdiction, that the write-in votes for individual candidates  
11 should be tallied)) write-in votes for an individual candidate must  
12 be tallied when the county auditor is notified by either the  
13 secretary of state or another county auditor in the multicounty  
14 jurisdiction that it appears that the write-in votes must be  
15 tabulated under the terms of this section. In all other cases, the  
16 county auditor determines when write-in votes must be tabulated.  
17 Any abstract of votes must be modified to reflect the tabulation  
18 and certified by the canvassing board. Tabulation of write-in  
19 votes may be performed simultaneously with a recount.

20           **Sec. 22.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended  
21 to read as follows:

22           Whenever the precinct election officers or the counting center  
23 personnel have a question about the validity of a ballot or the  
24 votes for an office or issue that they are unable to resolve, they  
25 shall prepare and sign a concise record of the facts in question or  
26 dispute. These ballots shall be delivered to the canvassing board  
27 for processing. Only the canvassing board has authority to reject  
28 a ballot, or a vote for an office or issue on a ballot, as invalid.  
29 The canvassing board may not delegate this authority. All ballots  
30 shall be preserved in the same manner as valid ballots for that  
31 primary or election.

32           **Sec. 23.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended  
33 to read as follows:

34           The county auditor shall produce cumulative and precinct  
35 returns for each primary and election and deliver them to the  
36 canvassing board for verification and certification. The precinct

1 and cumulative returns of any primary or election are public  
2 records under chapter 42.17 RCW.

3 Cumulative returns for state offices, judicial offices, the  
4 United States senate, and congress must be electronically  
5 transmitted to the secretary of state immediately.

6 **Sec. 24.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended  
7 to read as follows:

8 ~~((At least every third day after a primary or election and~~  
9 ~~before certification of the election results,)) Except Sundays and  
10 legal holidays, the county auditor, as delegated by the county  
11 canvassing board, shall process absentee ballots and canvass the  
12 votes cast at that primary or election on a daily basis in counties  
13 with a population of seventy-five thousand or more, or at least  
14 every third day for counties with a population of less than  
15 seventy-five thousand, if the county auditor is in possession of  
16 more than twenty-five ballots that have yet to be canvassed. The  
17 county auditor, as delegated by the county canvassing board, may  
18 use his or her discretion in determining when to process the  
19 remaining absentee ballots and canvass the votes during the final  
20 four days before the certification of election results in order to  
21 protect the secrecy of any ballot. In counties where this process  
22 has not been delegated to the county auditor, the county auditor  
23 shall convene the county canvassing board to process absentee  
24 ballots and canvass the votes cast at the primary or election as  
25 set forth in this section.~~

26 Each absentee ballot previously not canvassed that was received  
27 by the county auditor two days or more before processing absentee  
28 ballots and canvassing the votes as delegated by or processed by  
29 the county canvassing board, that either was received by the county  
30 auditor before the closing of the polls on the day of the primary  
31 or election for which it was issued, or that bears a postmark on or  
32 before the primary or election for which it was issued, must be  
33 processed at that time. The tabulation of votes that results from  
34 that day's canvass must be made available to the general public  
35 immediately upon completion of the canvass.

36 **Sec. 25.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended  
37 to read as follows:

1 (1) On the tenth day after a special election or primary and on  
2 the ((fifteenth)) twentieth day after a general election, the  
3 county canvassing board shall complete the canvass and certify the  
4 results. Each absentee ballot that was returned before the closing  
5 of the polls on the date of the primary or election for which it  
6 was issued, and each absentee ballot with a postmark on or before  
7 the date of the primary or election for which it was issued and  
8 received on or before the date on which the primary or election is  
9 certified, must be included in the canvass report.

10 (2) At the request of a caucus of the state legislature, the  
11 county auditor shall transmit copies of all unofficial returns of  
12 state and legislative primaries or elections prepared by or for the  
13 county canvassing board to either the secretary of the senate or  
14 the chief clerk of the house of representatives.

15 **Sec. 26.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended  
16 to read as follows:

17 Whenever the canvassing board finds that there is an apparent  
18 discrepancy or an inconsistency in the returns of a primary or  
19 election caused by an error by the county auditor or his or her  
20 staff, the board may recanvass the ballots or voting devices in any  
21 precincts of the county. The canvassing board shall conduct any  
22 necessary recanvass activity on or before the last day to certify  
23 the primary or election under RCW 29A.60.190, and correct any error  
24 and document the correction of any error that it finds.

25 **Sec. 27.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended  
26 to read as follows:

27 (1) Immediately after the official results of a state primary  
28 or general election in a county are ascertained, the county auditor  
29 or other election officer shall make an abstract of the number of  
30 registered voters in each precinct and of all the votes cast in the  
31 county at such state primary or general election for and against  
32 state measures and for each candidate for federal, state, and  
33 legislative office or for any other office which the secretary of  
34 state is required by law to canvass. The cumulative report of the  
35 election and a copy of the certificate of the election must be  
36 transmitted to the secretary of state immediately((7)) through  
37 electronic means, and mailed with the abstract of votes no later

1 than the next business day following the certification by the  
2 county canvassing board.

3 (2) After each general election, the county auditor or other  
4 election officer shall provide to the secretary of state a report  
5 of the number of absentee ballots cast in each precinct for and  
6 against state measures and for each candidate for federal, state,  
7 and legislative office or for any other office which the secretary  
8 of state is required by law to canvass. The report may be included  
9 in the abstract required by this section or may be transmitted to  
10 the secretary of state separately, but in no event later than March  
11 31st of the year following the election. Absentee ballot results  
12 may be incorporated into votes cast at the polls for each precinct  
13 or may be reported separately on a precinct-by-precinct basis.

14 (3) If absentee ballot results are not incorporated into votes  
15 cast at the polls, the county auditor or other election official  
16 may aggregate results from more than one precinct if the auditor,  
17 pursuant to rules adopted by the secretary of state, finds that  
18 reporting a single precinct's absentee ballot results would  
19 jeopardize the secrecy of a person's ballot. To the extent  
20 practicable, precincts for which absentee results are aggregated  
21 must be contiguous.

22 **Sec. 28.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended  
23 to read as follows:

24 As soon as the returns have been received from all the counties  
25 of the state, but not later than the thirtieth day after the  
26 election, the secretary of state shall (~~(make a)~~) canvass (~~(of such~~  
27 ~~of the returns as are not required to be canvassed by the~~  
28 ~~legislature and make out a statement thereof, file it in his or her~~  
29 ~~office, and transmit a certified copy to the governor)) and certify  
30 the returns of the general election as to candidates for state  
31 offices, the United States senate, congress, and all other  
32 candidates whose districts extend beyond the limits of a single  
33 county. The secretary of state shall transmit a copy of the  
34 certification to the governor, president of the senate, and speaker  
35 of the house of representatives.~~

36 **Sec. 29.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended  
37 to read as follows:

1 An application for a recount shall state the office for which  
2 a recount is requested and whether the request is for all or only  
3 a portion of the votes cast in that jurisdiction of that office.  
4 The person filing an application for a manual recount shall, at the  
5 same time, deposit with the county canvassing board or secretary of  
6 state, in cash or by certified check, a sum equal to twenty-five  
7 cents for each ballot cast in the jurisdiction or portion of the  
8 jurisdiction for which the recount is requested as security for the  
9 payment of any costs of conducting the recount. If the application  
10 is for a machine recount, the deposit must be equal to fifteen  
11 cents for each ballot. These charges shall be determined by the  
12 county canvassing board or boards under RCW ~~((29A.64.080))~~  
13 29A.64.081.

14 The county canvassing board shall determine ~~((a))~~ the date,  
15 time, and ~~((a))~~ place or places at which the recount will be  
16 conducted. ~~((This time shall be less than three business days  
17 after the day upon which: The application was filed with the  
18 board; the request for a recount or directive ordering a recount  
19 was received by the board from the secretary of state; or the  
20 returns are certified which indicate that a recount is required  
21 under RCW 29A.64.020 for an issue or office voted upon only within  
22 the county.))~~ Not less than two days before the date of the  
23 recount, the county auditor shall mail a notice of the time and  
24 place of the recount to the applicant or affected parties and, if  
25 the recount involves an office, to any person for whom votes were  
26 cast for that office. The county auditor shall also notify the  
27 affected parties by either telephone, fax, e-mail, or other  
28 electronic means at the time of mailing. At least three attempts  
29 must be made over a two-day period to notify the affected parties  
30 or until the affected parties have received the notification. Each  
31 attempt to notify affected parties must request a return response  
32 indicating that the notice has been received. Each person entitled  
33 to receive notice of the recount may attend, witness the recount,  
34 and be accompanied by counsel.

35 Proceedings of the canvassing board are public under chapter  
36 42.30 RCW. Subject to reasonable and equitable guidelines adopted  
37 by the canvassing board, all interested persons may attend and  
38 witness a recount.

1           **Sec. 30.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended  
2 to read as follows:

3           Upon completion of the canvass of a recount, the canvassing  
4 board shall prepare and certify an amended abstract showing the  
5 votes cast in each precinct for which the recount was conducted.  
6 Copies of the amended abstracts must be transmitted to the same  
7 officers who received the abstract on which the recount was based.

8           If the nomination, election, or issue for which the recount was  
9 conducted was submitted only to the voters of a county, the  
10 canvassing board shall file the amended abstract with the original  
11 results of that election or primary.

12           If the nomination, election, or issue for which a recount was  
13 conducted was submitted to the voters of more than one county, the  
14 secretary of state shall canvass the amended abstracts and shall  
15 file an amended abstract with the original results of that  
16 election. The secretary of state may require that the amended  
17 abstracts be certified by each canvassing board on a uniform date.  
18 An amended abstract certified under this section supersedes any  
19 prior abstract of the results for the same offices or issues at the  
20 same primary or election.

21           **Sec. 31.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended  
22 to read as follows:

23           Any justice of the supreme court, judge of the court of  
24 appeals, or judge of the superior court in the proper county shall,  
25 by order, require any person charged with error, wrongful act, or  
26 neglect to forthwith correct the error, desist from the wrongful  
27 act, or perform the duty and to do as the court orders or to show  
28 cause forthwith why the error should not be corrected, the wrongful  
29 act desisted from, or the duty or order not performed, whenever it  
30 is made to appear to such justice or judge by affidavit of an  
31 elector that:

32           (1) An error or omission has occurred or is about to occur in  
33 printing the name of any candidate on official ballots; or

34           (2) An error other than as provided in subsections (1) and (3)  
35 of this section has been committed or is about to be committed in  
36 printing the ballots; or

37           (3) The name of any person has been or is about to be  
38 wrongfully placed upon the ballots; or

1 (4) A wrongful act other than as provided for in subsections  
2 (1) and (3) of this section has been performed or is about to be  
3 performed by any election officer; or

4 (5) Any neglect of duty on the part of an election officer  
5 other than as provided for in subsections (1) and (3) of this  
6 section has occurred or is about to occur; or

7 (6) An error or omission has occurred or is about to occur in  
8 the issuance of a certificate of election.

9 An affidavit of an elector under subsections (1) and (3)  
10 (~~above~~) of this section when relating to a primary election must  
11 be filed with the appropriate court no later than the second Friday  
12 following the closing of the filing period for nominations for such  
13 office and shall be heard and finally disposed of by the court not  
14 later than five days after the filing thereof. An affidavit of an  
15 elector under subsections (1) and (3) of this section when relating  
16 to a general election must be filed with the appropriate court no  
17 later than three days following the official certification of the  
18 primary election returns and shall be heard and finally disposed of  
19 by the court not later than five days after the filing thereof. An  
20 affidavit of an elector under subsection (6) of this section shall  
21 be filed with the appropriate court no later than ten days  
22 following the (~~issuance of a certificate of election~~) official  
23 certification of the election as provided in RCW 29A.60.190,  
24 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days  
25 after the official certification of the amended abstract as  
26 provided in RCW 29A.64.061.

27 NEW SECTION. Sec. 32. A new section is added to chapter  
28 29A.84 RCW to read as follows:

29 The secretary of state and the appropriate county auditor shall  
30 refer all cases of violations of the following statutes that they  
31 discover or suspect to have occurred to the local prosecuting  
32 attorney: RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655,  
33 29A.84.660, 29A.84.670, and 29A.84.680. The prosecutor to whom the  
34 violations were referred shall submit to the secretary of state a  
35 list of all such referrals, the basis of the referrals, and the  
36 final disposition of the referrals.

1           **Sec. 33.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended  
2 to read as follows:

3           Any person who votes or attempts to vote more than once at any  
4 primary or general or special election is guilty of a (~~gross~~  
5 ~~misdemeanor, punishable to the same extent as a gross misdemeanor~~  
6 ~~that is~~) class C felony punishable under RCW 9A.20.021.

7           **Sec. 34.** RCW 29A.84.670 and 2003 c 111 s 2134 and 2003 c 53 s  
8 181 are each reenacted and amended to read as follows:

9           (1) It is unlawful for a voter to:

10           (a) Receive a ballot from any person other than the election  
11 officer having charge of the ballots;

12           (b) Vote or offer to vote any ballot except one received from  
13 the election officer having charge of the ballots;

14           (c) Fail to return to the election officers any ballot received  
15 from an election officer.

16           (2) A violation of this section is a gross misdemeanor,  
17 punishable (~~by a fine not exceeding one hundred dollars, plus~~  
18 ~~costs of prosecution~~) under RCW 9A.20.021.

19           NEW SECTION. **Sec. 35.** (1) Sections 3 through 7 and section 10  
20 of this act constitute a new chapter in Title 29A RCW, to be  
21 captioned "Provisional ballots."

22           (2) RCW 29A.40.050, as amended by section 9 of this act, is  
23 recodified as a section in the new chapter created in subsection  
24 (1) of this section.

25           NEW SECTION. **Sec. 36.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected."

29           Correct the title.

**EFFECT:** Prescribes standards for distinguishing, validating, and counting provisional ballots; voters whose voting rights are challenged may vote provisional ballots; provisions ballots may not be counted until validity is confirmed; the Secretary of State is required to establish a free access system that provisional voters may access to determine if their vote was counted; poll-site electronic voting systems must produce a machine-countable paper record; "special absentee" ballots are changed to be referred to as "special provisional" ballots and may not be provided earlier than 90 days before an election; absentee ballots are due by 8 P.M. on the day of the election, except military ballots must be signed by 8 P.M. on the day of the election and received by 5 P.M. on the day of final certification; processing absentee ballots may begin upon receipt; requires voters to show photo identification at the polls and if identification and signature is questionable the ballot shall be treated as a provisional ballot; acceptable identifications include Washington driver's license or identicard, or U.S. passport; prescribes standards for processing absentee ballots, counting write-in ballots, manually inspecting ballots, and canvassing returns; requires counties with population of 75,000 or more to process ballots daily; errors caused by county auditor or his or her staff may be recanvassed prior to final certification; elections may be contested no later than 10 days after official certification or official certification of the amended abstract; violations concerning voting the ballot of another person, voting or offering to vote another's ballot, or failing to return a ballot received from an election officer are changed from a misdemeanor to a gross misdemeanor.